

## REMARKS

Claims 1-19 were pending in the application. Claims 1-7, 15 and 18 are amended, claims 14 and 19 are cancelled, and new claims 20 and 21 are added. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

### **1. Indication of Allowable Subject Matter**

Applicant wishes to thank the Examiner for indication that claims 4-7 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejections indicated below, as well as for indication that claims 9-13 and 15-19 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicant has cancelled claim 14 and amended claim 15 to place in independent form, including all of the limitations of claim 14. Claims 16-18 depend from claim 15. Accordingly, Applicant respectfully requests reconsideration and allowance of claims 15-18.

### **2. Rejections under 35 U.S.C. 112, second paragraph**

The Examiner rejected claims 3-7 under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner indicates that claim 3 should be rewritten so as to further limit the equalizing apparatus to be a “split ring” in a similar fashion to claim 9. The Examiner also indicates that the preamble in claims 2-7 should be rewritten to recite the equalizing “meter” apparatus. Applicant has amended claims 2-7 in accordance with the Examiner’s suggestions. Applicant requests reconsideration and withdrawal of the rejections.

**3. Rejections under 35 U.S.C. 102(b)**

Claims 1, 3, 8, and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,515 to Gregor (herein “the Gregor patent”). Applicant respectfully traverses the rejections for the following reasons.

Independent claim 1 as amended recites an equalizing meter apparatus that includes, *inter alia*, an equalizing apparatus having a plurality of inward protrusions configured to engage the plurality of the fluted segments of the metering section compressed together on a shaft, where the equalizing apparatus selectively detaches and reconnects to the metering section of the pre-assembled meter roller assembly without losing compression of the plurality of fluted metering sections across the shaft.

The Gregor patent does not disclose or suggest an equalizing apparatus which selectively detaches and reconnects to the metering section of the pre-assembled meter roller assembly without losing compression of the plurality of fluted metering sections across the shaft. The Gregor patent discloses an alleged equalized apparatus 330 configured to be placed over a meter roller 145 (col. 6, lines 44-63 and Fig. 5). However, it is apparent to one skilled in the art viewing Fig. 5 that detaching and re-connecting the alleged equalizing apparatus 330 requires some disassembly of the meter roller 145, specifically the bearing plate 300, snap ring 305, and cartridge rods 170 and drive sprocket 245, so as to allow the alleged equalizing apparatus 330 to be slipped over the shaft 290 and detached and then reattached to the alleged metering section 145 (See Fig. 5). As a consequence, removal of the alleged equalizing apparatus 330 would necessitate loss of compression of the alleged fluted metering sections 145 across the

shaft 290 of the meter roller assembly 145 (See Fig. 5). For at least this reason, the Gregor patent does not disclose each and every limitation of the claimed invention. A review of the other cited references fails to disclose this limitation. Accordingly, reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-7 depend either directly or directly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowable. Also, claims 2-7 are believed to recite patentable subject matter in addition to that recited for claim 1. For example, none of the cited references teach or suggest the equalizing apparatus further including a fastener and a fastener opening, the fastener configured to extend through the fastener opening in the equalizing apparatus and engage the metering section as recited in claim 2. The Mayerle patent does not disclose an equalizing apparatus as recited in claim 1, yet alone fasteners extending through the equalizing apparatus to engage a metering section. So the alleged fasteners 7 and 26 disclosed in the Mayerle patent engage the shaft, and have nothing to do with restraining a position of an equalizing apparatus relative to fluted metering sections 30 (See Fig. 3). In another example, none of the cited references disclose an equalizing apparatus that includes a split ring having a first free end and a second free end, the split ring configured to encircle the metering section as recited in amended claim 3.

Independent claim 8 recites an agricultural seeding implement that includes, *inter alia*, a meter roller assembly having a plurality of roller sections rotatably mounted on the shaft, the plurality of roller sections including at least one fluted metering section with a plurality of fluted segments, and an equalizing apparatus having at least one protrusion

configured to engage the plurality of fluted segments of the fluted metering section, where the equalizing apparatus is operable to detach from and re-connect on the metering section without disassembly of the meter roller assembly.

As described above, the Gregor patent does not teach an equalizing apparatus with at least one protrusion configured to engage the plurality of fluted segments of the metering section and operable to detach from and re-connect on the metering section without disassembly of the meter roller assembly. Rather, as described above, it is apparent to one skilled in the art viewing Fig. 5 that detaching and re-connecting the alleged equalizing apparatus 330 requires some disassembly of the meter roller assembly, specifically the bearing 300, snap ring 305, cartridge rods 170 and meter drive 245, so as to allow the alleged equalizing apparatus to be detached from the metering section (See Fig. 5). For at least this reason, the Gregor patent does not teach each and every limitation recited in claim 8. A review of the other cited references fails to teach or suggestion this limitation. Accordingly, reconsideration and allowance of claim 8 is respectfully requested.

Claims 9-13 depend either directly or directly from claim 8 and are believed allowable for the same reasons that claim 8 is believed allowable. Also, claims 9-13 are believed to recite patentable subject matter in addition to that recited for claim 8, as acknowledged by the Examiner (See page 5 – Office Action dated October 5, 2005).

#### 4. New Claims

New independent claim 20 recites an equalizing meter apparatus operable to equalize a delivery of granular product by a pre-assembled meter roller assembly of an

agricultural implement between a meter box and a plurality of product distributors, the equalizing meter apparatus comprising a fluted metering section rotatably mounted between a pair of bearing plates on a shaft, where the fluted metering section includes a plurality of radial outward extended fluted segments configured to meter the delivery of the granular product. The equalizing meter apparatus further includes and an equalizing apparatus having a plurality of inward protrusions configured to engage the plurality of the fluted segments of the fluted segment of the metering section, wherein the equalizing apparatus includes a first free end and a second free end configured to separate apart so as to receive the fluted segment of the metering section therethrough and encircle the metering section. For reasons similar to those described above for claim 3, none of the cited references teaches an equalizing apparatus with inward protrusions as recited in claim 20 and having free ends that separate to receive the metering section therethrough and encircle the metering section. Claim 21 depends directly from independent claim 20 and is believed allowable for the same reasons that claim 20 is believed allowable.

Accordingly, consideration and allowance of claims 20 and 21 is respectfully requested.

#### **CONCLUSION**

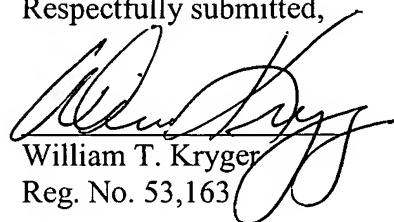
It is submitted that claims 1-18 and 20 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A fee of \$320 is included with this communication in request for a one-month extension and for a fourth independent claim. Nevertheless, authorization is given to

charge any other additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

  
William T. Kryger  
Reg. No. 53,163

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BOYLE, FREDRICKSON, NEWHOLM,  
STEIN & GRATZ S.C.  
250 Plaza, Suite 1030  
250 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 225-6306  
Facsimile: (414) 225-9753